

REMARKS

Applicant has carefully studied the outstanding Office Action in the present application. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

In the application as examined, claims 1 - 20 are pending, of which claims 6 - 8 and 12 - 19 were withdrawn.

In the present response, claim 10 is amended. Claims 11 - 12 and withdrawn claims 13 and 16 are cancelled without prejudice. New claims 21 - 26 are added.

Claim 10 is amended to depend from claim 1 instead of withdrawn claim 6.

Support for new claims 21 - 22 is found, inter alia, in the specification as published (U.S. Published Patent Application No. 2007/0051737) in Figs. 7, 8A and 8B and in the description thereof in paragraph [0057]. Support for new claims 23 - 24 is found, inter alia, in the specification as published (U.S. Published Patent Application No. 2007/0051737) in Figs. 7, 8A and 8B and in the description thereof in paragraphs [0059] and [0060], respectively. Support for new claims 25 - 26 is found, inter alia, in the specification as published (U.S. Published Patent Application No. 2007/0051737) in Figs. 7, 8A and 8B and in the description thereof in paragraph [0061].

Claims 1 - 5, 9 - 11 and 20 stand rejected under 35 USC 102(b) as being anticipated by Hendrickson (U.S. Patent No. 6,308,379).

Hendrickson describes a liquid carrying container having a first outer semicircular concave wall and a second inner concave wall facing in the same direction and joined together at side edges. A recess in the inner wall forms a hand hold portion, below which is a handle pivotally mounted to the inner wall.

Applicant expresses appreciation to Examiner Shawn Braden for the courtesy of discussing this case in a telephone conversation with applicant's representative, Sanford T. Colb (Reg. No. 26,856), on April 6, 2010.

In the telephone conversation, claim 1 was discussed vis-à-vis the prior art of Hendrickson. In response to the applicant's argument that Hendrickson did not show or suggest the utensil of the present invention as recited in claim 1, including, inter alia, a liquid container and a handle defining a finger engagement location which is at or near the center of gravity of the liquid container, the Examiner provided a list of additional references.

The additional references cited by the Examiner included the following:

U.S. Published Patent Application Nos. 2003/0034350; 2004/0108430; 2005/0059533; 2005/0242102; 2007/0051737 and 2009/0152277;

U.S. Patent Nos. 146,078; 296,691; 906,644; 912,526; 1,142,304; 1,857,372; 2,178,188; 2,386,284; 2,540,969; 2,549,282; 2,586,199; 2,896,809; 3,270,922; 3,443,710; 3,462,939; 3,504,832; 3,813,003; 3,831,805; 4,016,995; 4,209,116; 4,570,808; 4,691,828; 4,736,920; 4,765,514; 4,769,858; 4,792,055; 4,813,556; 4,834,269; 4,879,146; 4,911,295; 4,919,298; 4,925,047; 5,020,665; 5,052,567; 5,165,557; 5,353,952; 5,386,922; 5,390,813; 5,419,447; 5,454,470; 5,551,593; 5,634,569; 5,660,301; 5,803,290; 5,836,469; 5,848,722; 5,878,908; 5,884,802; 5,916,611; 6,026,982; 6,039,205; 6,308,379; 6,312,364; 6,367,649; 6,502,715; 6,530,495; 6,640,992; 6,730,004; 7,097,060 and 7,290,651; and

U.S. Design Patent Nos. D291,612 and D296,948.

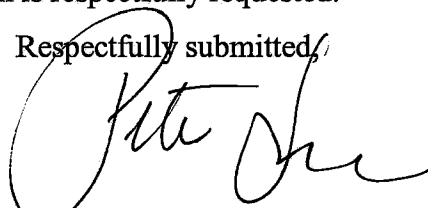
Applicant has reviewed the additional references cited by the Examiner. Applicant notes that some of the patents and published applications cited are not prior art by virtue of their dates. Applicant is of the opinion that none of the additional references is material to the examination of the claims of record. Should the Examiner feel otherwise, the Examiner is respectfully requested to specifically cite such art which the Examiner feels is material.

Applicant respectfully submits that none of the prior art references cited, either alone or in combination, show or suggest the utensil of the present invention as recited in claim 1, including, inter alia, a liquid container and a handle defining a finger engagement location which is at or near the center of gravity of the liquid container. Claim 1 is therefore patentable.

Claims 2 - 5, 9 - 10 and 20 - 26 depend directly or ultimately from claim 1 and are therefore patentable. The dependent claims, and more particularly the newly added claims, recite features which are not shown or suggested in the prior art. Withdrawn claims 6 - 8, 14 - 15 and 17 - 19 each depend directly or ultimately from claim 1 and are therefore patentable.

In view of the foregoing, all of the claims are deemed to be allowable. Favorable reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,



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